

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
09432/168002

In Re Application Of: **David L. MALLIS**

Serial No.
09/843,560

Filing Date
04/26/2001

Examiner
D. Tugbang

Group Art Unit
3729

Inventor: **ETUBULAR JOINT WEAR INDICATOR**



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.

Jonathan P. Osha
Signature

45,925

Dated:

3/5/03

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MAR 10 2003

TECHNOLOGY CENTER #3700

Jonathan P. Osha, Reg. No. 333,986
Rosenthal & Osha, L.L.P.
1221 McKinney Street, Suite 2800
Houston, Texas 77010
Telephone: (713) 228-8600
Facsimile: (713) 228-8778

I certify that this document is being deposited on
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Assistant Commissioner for Patents, Washington, D.C.
20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
09432/168002

In Re Application Of: **David L. MALLIS**

Serial No.
09/843,560

Filing Date
04/26/01

Examiner
D. Tugbang

Group Art Unit
3729

THE REGULAR JOINT WEAR INDICATOR

Address to:

Assistant Commissioner for Patents
Washington, D.C. 20231

37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application; within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office Action on the merits, whichever event occurs last.

37 CFR 1.97(c)

2. ☒ The Information Disclosure Statement submitted herewith is being filed after three months of the filing of a national application, or the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or after the mailing date of a first Office Action on the merits, whichever occurred last but before the mailing date of either:

1. a Final Action under 37 CFR 1.113, or
 2. a Notice of Allowance under 37 CFR 1.311,
- whichever occurs first.

Also submitted herewith is:

- ☒ a certification as specified in 37 CFR 1.97(e);

OR

- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under 37 CFR 1.97(c).

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PATENT TRADEMARK OFFICE

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
09432/168002

In Re Application Of: **David L. MALLIS**

Serial No.
09/843,560

Filing Date
04/26/01

Examiner
D. Tugbang

Group Art Unit
3729

Title: **TUBULAR JOINT WEAR INDICATOR**

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **50-0591** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

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Signature

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Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

*This certificate may only be used if paying by deposit account.

Jeffrey S. Bergna ^{45,925}
Signature

Dated: *3/3/03*

Jonathan P. Osha, Reg. No. 33,986
Rosenthal & Osha, L.L.P.
1221 McKinney Street, Suite 2800
Houston, Texas 77010

Telephone: (713) 228-8600
Facsimile: (713) 228-8778

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CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **David L. MALLIS**

Docket No.

09432/168002

Serial No.

09/843,560

Filing Date

April 26, 2001

Examiner

D. Tugbang

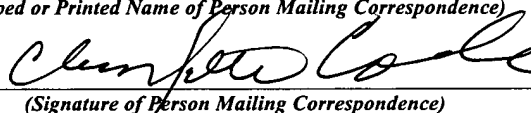
Group Art Unit

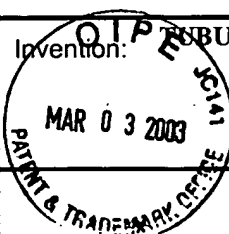
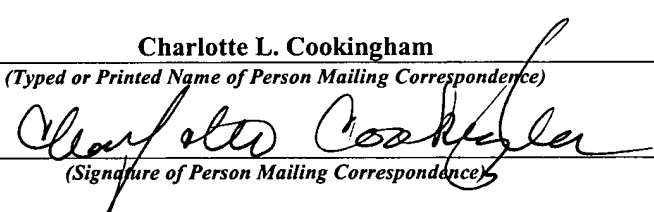
3729Invention: **TUBULAR JOINT WEAR INDICATOR**

I hereby certify that the following correspondence:

Information Disclosure Statement*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

March 3, 2003*(Date)***Charlotte L. Cookingham***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 263169096 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.****RECEIVED****MAR 10 2003****TECHNOLOGY CENTER R3700**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): David L. MALLIS			Docket No. 09432/168002
Serial No. 09/843,560	Filing Date April 26, 2001	Examiner D. Tugbang	Group Art Unit 3729
Invention: OSCULAR JOINT WEAR INDICATOR			
		RECEIVED MAR 10 2003 TECHNOLOGY CENTER R3700	
I hereby certify that the following correspondence: <div>Response to Office Action dated January 3, 2003 <i>(Identify type of correspondence)</i></div>			
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<div>Charlotte L. Cookingham <i>(Typed or Printed Name of Person Mailing Correspondence)</i>  <i>(Signature of Person Mailing Correspondence)</i> EV 263169096 US <i>("Express Mail" Mailing Label Number)</i></div>			
Note: Each paper must have its own certificate of mailing.			

<div style="text-align: center;"> INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> </div>	Docket Number (Optional)	Application Number
	09432788002	09/843,560
	Applicant(s) David L. Mallis	
Filing Date	04/26/01	Group Art Unit
		3729

MAR 03 2003
 U.S. PATENT & TRADEMARK OFFICE

#3/20-3/11/03
 9/1/03

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	2,258,066	10/07/41	Oyen, E.	285	146	03/11/40

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FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	A3	French Search Report dated January 10, 2003, 2 pages

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.